

**Remarks / Arguments:**

**Claim Status:**

Claims 1-43 and 69-72 are pending in this application. Claims 44-68 were withdrawn as being drawn to non-elected inventions, and are now cancelled without prejudice or disclaimer of the subject matter thereof.

Applicants note with appreciation that claims 3, 6, 11, 16, 18, 22, and 24-43 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include the limitations of the base claims and any intervening claims.

New claims 69-72 have been added, and support for these claims is found throughout the specification and drawings. Each of new independent claims 69-72 include selected features from allowable claims 3, 6, 11, and 24, respectively. No new matter is being presented by the new claims, and accordingly Applicants respectfully request entry and consideration and allowance of these claims.

New claim 69 includes selected features from claim 1 and allowable claim 3. Briefly, claim 69 is directed to a seat assembly of a passenger accommodation unit having the combined features of (1) a back-rest component having a seat surface and an opposing bed surface; (2) a bed extension surface positioned rearwardly of the seat; and (3) a moveable infill component that is moveable between a stowed position and a deployed position, such that an infill surface of the infill component, the bed surface of the back-rest component, and the bed extension surface form a substantially continuous surface.

New claim 70 includes selected features from claim 1 and allowable claim 6. Briefly, claim 70 is directed to a seat assembly of a passenger accommodation unit having the combined features of (1) a back-rest component that has a seat surface and an opposing bed surface, and can be selectively pivoted between an upright position and a prone position; and (2) a moveable seat-pan that is moveable between an upper deployed position and a lower stowed position when the back-rest component is moved from the upright position to the prone position.

New claim 71 includes selected features from claim 1 and allowable claim 11. Briefly, claim 71 is directed to a seat assembly of a passenger accommodation unit having the combined features of (1) one or more moveable passenger bearing structural components having passenger bearing surfaces, wherein one of the moveable components has a seat surface and an opposing bed surface; (2) a back-rest component moveable between an upright and a reclined position; and (3) a seat-pan that is pivotable relative to the back-rest component.

New claim 72 includes selected features from claim 13 and allowable claim 24. Briefly, claim 72 is directed to a passenger seat assembly having the combined features of (1) a supporting structure; (2) a plurality of seat elements including a moveable seat-pan element and a pivotable back-rest element; (3) a seat holding device for rocking the back-rest element between a seat position and a bed position; and (4) a releasable locking means for selectively locking the holding device.

**Claim Rejections Under 35 U.S.C. 112, Second Paragraph:**

Claims 1-12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action objects to the phrase "particularly an aircraft" recited in claim 1. Applicants have deleted the above phrase from claims 1 and 13 in view of the rejection. Therefore, Applicants respectfully submit that this rejection should now be withdrawn as moot.

Examiner states that it is unclear if the "bed extension surface" of claims 7, 8, 19 and 20 is the same bed extension surface recited in claims 1 and 13. Applicants submit that the bed extension surface of claims 7 and 8 is **not** the same as bed extension surface recited in claim 1. For the purpose of clarification, Applicants have changed the term "bed extension surface" in claims 7 and 8 to "forward bed extension surface" to distinguish the claimed feature of claims 7 and 8 from claim 1. Similarly, with regard to claims 13, 19 and 20, for the purpose of clarification, Applicants have changed the term "auxiliary elements" in claims 19 and 20 to "forward auxiliary elements" to distinguish the claimed feature of claims 19 and 20 from claim 13.

**Claim Rejections Under 35 U.S.C. 102(b):**

Claims 1, 2, 4, 5, 7-10, 12-15, 17, 19-21 and 23 are rejected as being anticipated by German Patent Application No. DE29702660, hereinafter patent '660. An English translation of patent '660 is enclosed herewith. Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over patent '660 for the reasons set forth below.

Independent claim 1, as amended, recites limitations that are neither disclosed nor suggested by patent '660, namely:

wherein one or more of said passenger-bearing surfaces comprise a bed extension surface, ***separate from said second bed surface of said moveable component***, which bed extension surface is positioned or deployable to be positioned rearwardly of the seat to form part of said bed in said bed configuration.

As background, in the exemplary embodiment illustrated in Figure 2, for example, three adjacent seat units 40 are shown in different positions. In the fully upright position (right seat unit), the seat-pan 71 is disposed substantially at the same level as the first and second surfaces 47, 48 of the housing 43 and is spaced rearwardly of the ottoman 65. In the reclined position (center seat unit), the back-rest 72 is reclined rearwardly relative to its position in the upright position, and the seat-pan 71 is tilted slightly rearwardly to provide an ergonomically comfortable lounge seating position. In the prone position (left seat unit), the seat-pan 71 is translated downwardly into a cuboidal recess 44, and the back-rest 72 is reclined forwardly over the seat-pan 71 to provide a bed for the passenger.

The back-rest 72 comprises a front surface 73 and a rear surface 74. In the upright and reclined positions the front surface 73 of the back-rest cooperates with the seat-pan 71 to form the seat for the passenger. In the bed configuration, the back-rest 72 is rocked forwardly relative to the seat unit and is partly accommodated within the cuboidal recess 44 such that the rear surface 74 of the back-rest 72 is substantially co-planar with the first and second surfaces 47, 48 and with the cushion 67 of the ottoman 65. ***"[T]he seat unit 40 thus provides an extended bed surface for the passenger, the bed surface being extended rearwardly of the seat by the first surface 47, laterally of the seat by the second surface 48 and forwardly of the seat by the cushion 67 of the ottoman 65"*** (Page 28, Lines 31-33).

The rear surface 74 of the back-rest 72 and the first surface 47 are separate and discrete surfaces. In the prone position of the backrest 72, the first surface 47 is disposed substantially coplanarly and substantially contiguously with the second bed surface 74 to form a bed for the passenger. However, in an upright or substantially upright position of the backrest 72, the first surface 47 and the second bed surface 74 are not coplanar or contiguous.

Referring now to patent '660, as best shown in Figure 2, patent '660 discloses a passenger accommodation area includes two opposing seats. Each seat includes a back rest 3 and a seat pan 2 mounted to a supporting structure 8. The back rest 3 pivots with respect to the fixed seat pan 2 along axis 9 between an upright position and a folded position. The back rest 3 has a front upholstered surface 4 and a rear upholstered surface 5. In the folded position of both opposing seats, the rear upholstered surfaces 5 of the seats form a coplanar bed surface to accommodate a single passenger. The back rest 3 is configured to fold over the seat pan 2. The seat pan 2 is fixed and not capable of movement.

The Office Action contends that patent '660 discloses a 'bed extension surface' that is disposed on the portion of the back rest 3 below axis 9. However, that portion of the back rest 3 below axis 9 is not separate from the rear upholstered surface 5, rather, that portion of the back rest 3 below axis 9 is integral with the rear upholstered surface 5. Thus, patent '660 does not disclose or suggest "a bed extension surface, separate from said second bed surface of said moveable component, which bed extension surface is positioned or deployable to be positioned rearwardly of the seat to form part of said bed in said bed configuration", as recited in amended claim 1.

Patent '660 therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over patent '660 and should be allowed. Claims 2, 4, 5, 7-10, and 12 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1, 2, 4, 5, 7-10, and 12 is respectfully requested.

Independent claim 13 recites limitations that are neither disclosed nor suggested by patent '660, namely:

one or more auxiliary accommodation elements connected to or forming part of said supporting structure and being positioned or being deployable to be

***positioned juxtaposed said seat***, the or each auxiliary accommodation element having an auxiliary, substantially flat, passenger-bearing surface that is ***separate from said flat second bed surface of said back-rest element***.

As mentioned above, the Office Action contends that patent '660 discloses a 'bed extension surface', or, alternatively, an 'auxiliary passenger bearing surface', that is included on the portion of the back rest 3 below axis 9. However, that portion of the back rest 3 below axis 9 is not separate from the rear upholstered surface 5 of the back rest 3.

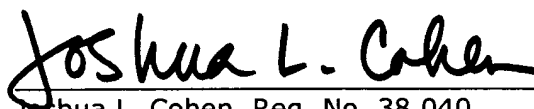
Moreover, because the portion of the back rest 3 below axis 9 is integral with the rear upholstered surface 5, the portion of the back rest 3 below axis 9 can not be "positioned or being deployable to be positioned juxtaposed" the remaining portion of the back rest 3, as recited in claim 13.

Patent '660 therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 13. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 13, as amended, is patentable over patent '660 and should be allowed. Claims 14-43 are dependent upon claim 13, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 13-43 is respectfully requested.

**Conclusion**

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040  
Attorney for Applicants  
Brett J. Rosen, Reg. No. 56,047  
Registered Patent Agent

JLC/BJR

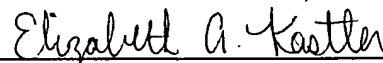
Encl: English Translation of German Patent Application No. DE29702660

Dated: October 23, 2006

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

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Elizabeth Kastler

October 23, 2006